

	<b>WHISTLEBLOWER – NLACRC VENDORS, CONTRACTORS AND OTHERS</b>		
	<b>POLICY &amp; PROCEDURE</b>		
Category: ORG-MISC	Effective Date: August 28, 2009	Version No.: 4	Revision Date: September 3, 2020

## **REGIONAL CENTER WHISTLEBLOWER POLICY FOR VENDORS, CONTRACTORS AND OTHERS**

**This policy is adopted to comply with the Department of Developmental Services (DDS) Regional Center or Vendor/Contractor Whistleblower Complaint Process Filing and Contact Information guidelines. Accordingly, NLACRC has adopted this policy for complaints by vendors, contractors and others.**

### **1. Definition of Regional Center or Vendor, Contractor, and Others Whistleblower Complaints**

This policy confirms that both NLACRC and DDS permit and will investigate complaints filed not only by regional center employees and regional center trustees, but also complaints filed by vendors, contractors, consumers, families, and others. Whistleblower complaints, for purposes of this policy, are defined as the reporting of an “improper regional center or vendor/contractor activity.”

- An “improper regional center activity” means an activity by a regional center, or an employee, officer, or board member of a regional center, in the conduct of regional center business, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of governmental property or constitutes gross misconduct, incompetency, or inefficiency.
- An “improper vendor/contractor activity” means an activity by a vendor/contractor, or an employee, officer, or board member of a vendor/contractor, in the provision of DDS funded services, that is a violation of a state or federal law or regulation; violation of contract provisions; fraud or fiscal malfeasance; misuse of government property; or constitutes gross misconduct, incompetency, or inefficiency.

### **2. DDS Complaint Processes Available for Use**

DDS has a variety of complaint appeal processes available to vendors/contractors, agencies, facilities, parents, and consumers. These include Consumer Rights Complaints; Early Start Complaints, Due Process Requests, and Mediation

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Conference Requests; Lanterman Act Fair Hearing Requests; Title 17 Complaints; Citizen Complaints and Comments 9 (see <http://www.dds.ca.gov/Complaints/Homes.cfm> for list). Each of these complaint and appeal processes has separate and distinct procedures for resolution. This policy relates only to the regional center or vendor/contractor Whistleblower complaints as described above.

### 3. **Confidentiality**

Both NLACRC and DDS will do everything possible to maintain the confidentiality of a complainant making a whistleblower complaint. However, in the rare circumstances where DDS is unable to maintain confidentiality due to its statutory responsibilities (including ensuring the health and safety of consumers and regional center contract compliance), the Department will attempt to inform the complainant of its need to disclose information prior to releasing identifying information. Additionally, the identity of the complainant may be revealed to appropriate law enforcement agencies conducting a criminal investigation.

### 4. **About Filing a Complaint**

NLACRC and DDS require a clear and concise statement of the improper activity and any evidence you have to support the allegation.

If you do not provide a name or other information (witnesses or documents) that clearly identifies the person you are alleging has acted improperly, and the regional center or vendor/contractor where that person works, we may not have sufficient information to investigate. Copies of documents, rather than originals, should be submitted as they cannot be returned.

Although complaints may be filed anonymously, it is extremely difficult and often impossible to investigate if insufficient information is provided and we have no means to contact you to gather basic facts. In such cases, NLACRC or DDS may not be able to effectively investigate the allegations.

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## 5. How to File Whistleblower Complaint

### 5.1 Department of Developmental Services (DDS)

A complaint may be filed with DDS by contacting:

- Community Services Division  
Phone: (916) 651-6309  
Fax: (916) 654- 3641

1600 9<sup>th</sup> Street, Room 340 (MS 3-9)  
Sacramento, CA 95814

### 5.2 North Los Angeles County Regional Center

A Complaint may be filed with NLACRC by filing it with the Chief Organizational Development Officer, the Executive Director, or the Board of Trustees President; the contact information is as follows:

- Chief Organizational Development Officer  
Phone: (818) 756-6206  
Fax: (818) 756-6440  
Email: whistleblower@nlacrc.org

9200 Oakdale Avenue, Suite 100  
Chatsworth, CA 91311

- Executive Director  
Phone: (818) 756-6360  
Fax: (818) 756-6140

9200 Oakdale Avenue, Suite 100  
Chatsworth, CA 91311

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- Board of Trustees President  
Phone: (818) 756-6118  
Fax: (818) 756-6140

9200 Oakdale Avenue, Suite 100  
Chatsworth, CA 91311

## **6. Policy When Complaints Are Filed With NLACRC**

- 6.1 For this policy, the NLACRC Compliance Officer is the Chief Organizational Development Officer. The Executive Director will serve as the Compliance Officer in the event the alleged or suspected improper activity involves the Chief Organizational Development Officer. Also, as a separate option, a complaint may be made directly to the Board of Trustees President.
- 6.2 The center encourages vendors/contractors, agencies, facilities, parents, and consumers, as well as NLACRC employees and trustees to notify the Compliance Officer in good faith<sup>1</sup> when they have reason to believe that any “improper vendor/contractor activity” or “improper regional center activity,” as those terms are defined in part 1 of this policy, has occurred.
- 6.3 No vendor, contractor, agency, facility, parent, and consumer, nor any employee or trustee who in good faith reports a complaint hereunder improper activity shall suffer harassment, retaliation, or adverse employment consequence. In short, no adverse action will be taken against the person filing a complaint simply because a complaint has been filed. This Whistleblower Policy is intended to encourage and enable vendors, contractors, agencies, facilities, parents, and consumers, as well as employees and trustees to raise serious concerns with the NLACRC, to permit NLACRC to address the concerns prior to seeking resolution outside the center.
- 6.4 The Compliance Officer or the Board of Trustees President will notify the sender and acknowledge receipt of the complaint within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken by NLACRC if warranted by the investigation. The Compliance Officer responsible for investigating and resolving all reported whistleblower

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<sup>1</sup> Here, the term “good faith” shall be deemed to contain the same meaning as California Labor Code §1102.5, which protects employees who disclose reasonably based suspicions of illegal activity.

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complaints shall advise the Executive Director and the Board of Trustee’s Executive Committee of each complaint that is filed, and the ongoing progress of the investigation. The Compliance Officer is required to report to the Executive Committee at least annually on compliance activity.

**7. This Policy is Consistent With the State’s Directive Entitled “Department of Developmental Services Whistleblower Complaint Process,” dated July 28, 2010**

To comply with the DDS Directive dated July 28, 2010, this policy will:

- 7.1 Allow for multiple employees within the regional center to be available to accept complaints. More specifically, the Compliance Officer is the Chief Organizational Development Officer, except that if the complaint involves the Chief Organizational Development Officer, the Compliance Officer is the Executive Director. Also, complaints may be made directly to the Board of Trustees President, or to DDS.
- 7.2 As noted in part 7.1 above, allow direct access to the Board of Trustees President for the purpose of filing complaints.
- 7.3 Protect any person making a complaint from retaliation. More specifically, the regional center will not retaliate against any complainant.
- 7.4 Follow the regional center procedure set forth in part 6 above to investigate and take appropriate action on complaints, including complaints of retaliation.
- 7.5 Ensure complainant confidentiality as provided in Section 3 of this Policy, consistent with the State’s Whistleblower Policy, including consumer health and safety.
- 7.6 Provide for the notification of employees, board members, consumers/families, and vendor community of the existence of both the regional center and the State’s Whistleblower policy within thirty (30) days of the effective date of the regional center’s policy and annually thereafter.

In addition, the NLACRC will ensure that this Whistleblower Policy will be posted on the regional center’s website within thirty (30) days after being adopted.